

company has manufactured a defective product.

I support the ability of the Consumer Product Safety Commission to penalize those who willfully, willfully violate the act. At the same time, we are not sure whether the effect of an increase in potential penalties to as much as \$10 million will have the desired effect.

I can support this measure, however, because there are three key factors when you look at this bill. First, the increase in the penalty maximum will be phased in, thanks to the chairman and his staff and our staff working together. Two, this measure amends the CPSC to include specific penalty assessment factors. And, three, the measure directs the CPSC to promulgate rules interpreting these factors and delineates how the commission will assess the fines.

My colleagues, this last factor in particular is important to our business community. Interpretive rules are necessary to provide guidance, clarity, and some predictability to regulate industries. Additionally, interpretive guidelines will provide a constant framework within which the CPSC may act. \$10 million is too great an amount to not act responsibly, I agree with the chairman. That is a deterrent, and consistently imposing such fines is important.

□ 1615

But again, I point out that the larger deterrent for corporations is the fact that the publicity will be damaging to their sale of future products.

So, I would commend the chairman for his leadership in updating the CPSC on this matter, again, for his staff working with us to create, I think, a bipartisan work product that all of us, both Democrats and Republican, can support.

Mr. Speaker, I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, this, again, is another example of commonsense legislation, bipartisan cooperation that is aimed at improving and enhancing the flow of commerce between consumers and manufacturing.

Mr. Speaker, this piece of legislation takes a giant, giant step toward improving the overall product safety, product recall phenomenon that exists to stream the system that exists.

I urge passage of this outstanding piece of legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 2474, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## VIRGINIA GRAEME BAKER POOL AND SPA SAFETY ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1721) to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1721

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Virginia Graeme Baker Pool and Spa Safety Act”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Federal swimming pool and spa drain cover standard.

Sec. 4. State swimming pool safety grant program.

Sec. 5. Minimum State law requirements.

Sec. 6. Education program.

Sec. 7. Definitions.

Sec. 8. CPSC report.

### SEC. 2. FINDINGS.

*The Congress finds that—*

(1) of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States;

(2) there are approximately 260 drowning deaths of children younger than age 5 each year in swimming pools, and an estimated 2,725 children are treated annually in hospital emergency rooms for pool submersion injuries, mostly in residential pools;

(3) many children die due to pool and spa drowning and entrapment, such as Virginia Graeme Baker, who at age 7 drowned by entrapment in a residential spa, and Preston de Ibern, who at age 5 nearly drowned and was left permanently brain damaged, finally succumbing to his catastrophic healthcare issues when he was 12 years old;

(4) adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning; and

(5) research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

### SEC. 3. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) **CONSUMER PRODUCT SAFETY RULE.**—The provisions of subsection (b) shall be considered to be a consumer product safety rule issued by the Consumer Product Safety Commission under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(b) **DRAIN COVER STANDARD.**—Effective 1 year after the date of enactment of this Act, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard.

(c) **REVISION OF RULE.**—If, after the enactment of this Act, ANSI proposes to revise the entrapment protection requirements of ASME/

ANSI A112.19.8, ANSI shall notify the Consumer Product Safety Commission of the proposed revision and the proposed revision shall be incorporated in the consumer product safety rule under subsection (a) unless, within 60 days of such notice, the Commission notifies ANSI that the Commission has determined that such revision does not carry out the purposes of subsection (b).

(d) **IMPLEMENTING REGULATIONS.**—Section 553 of title 5, United States Code, shall apply with respect to the issuance of any regulations by the Consumer Product Safety Commission to implement the requirements of this section, and sections 7 and 9 of the Consumer Product Safety Act shall not apply to such issuance.

### SEC. 4. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) **IN GENERAL.**—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) **ELIGIBILITY.**—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this Act, it has enacted a statute, or amended an existing statute, that provides for the enforcement of a law that—

(A) except as provided in section 5(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 5; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) **AMOUNT OF GRANT.**—The Commission shall determine the amount of a grant awarded under this Act, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this Act in a preceding fiscal year.

(d) **USE OF GRANT FUNDS.**—A State receiving a grant under this section shall use—

(1) at least 50 percent of amount made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission for each of fiscal years 2009 through 2013 \$5,000,000 to carry out this section, such sums to remain available until expended.

### SEC. 5. MINIMUM STATE LAW REQUIREMENTS.

(a) **IN GENERAL.**—

(1) **SAFETY STANDARDS.**—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of enactment of such statute have—

- (I) more than 1 drain per circulation pump;
- (II) 1 or more unblockable drains per circulation pump; or
- (III) no main drain; and
- (iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 3; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) **USE OF MINIMUM STATE LAW REQUIREMENTS.**—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 4 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 4 of this Act.

(3) **REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.**—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) **STANDARDS.**—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) **BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.**—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) **COVERS.**—A safety pool cover.

(2) **GATES.**—A gate with direct access to the swimming pool that is equipped with a self-closing, self-latching device.

(3) **DOORS.**—Any door with direct access to the swimming pool that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) **POOL ALARM.**—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) **ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.**—

(1) **IN GENERAL.**—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) **SAFETY VACUUM RELEASE SYSTEM.**—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(B) **SUCTION-LIMITING VENT SYSTEM.**—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) **GRAVITY DRAINAGE SYSTEM.**—A gravity drainage system that utilizes a collector tank.

(D) **AUTOMATIC PUMP SHUT-OFF SYSTEM.**—An automatic pump shut-off system.

(E) **OTHER SYSTEMS.**—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) **APPLICABLE STANDARDS.**—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

#### SEC. 6. EDUCATION PROGRAM.

(a) **IN GENERAL.**—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools, spas, and ornamental pools. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators;

(3) educational materials designed for ornamental pool owners and operators, including municipalities; and

(4) a national media campaign to promote awareness of pool and spa safety.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Commission for each of fiscal years 2008 through 2012 \$5,000,000 to carry out the education program authorized by subsection (a).

#### SEC. 7. DEFINITIONS.

In this Act:

(1) **ASME/ANSI STANDARD.**—The term "ASME/ANSI standard" means a safety standard accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) **ASTM STANDARD.**—The term "ASTM standard" means a safety standard issued by ASTM International, formerly known as the American Society for Testing and Materials.

(3) **BARRIER.**—The term "barrier", with respect to a swimming pool, means a fence, dwelling wall, or nondwelling wall, or any combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool, especially access from the residence or from the yard outside the barrier. In the case where a wall of a dwelling that contains a door or window serves as part of the barrier, all doors and windows providing direct access from the home to the pool must be equipped with an exit alarm that has a minimum sound pressure rating of 85 dB A at 10 feet. Alarms should meet the requirements of UL 2017 General-Purpose Signaling Devices and Systems, section 77. All doors providing direct access from the home to the pool must be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches above the floor. The term "barrier" means, with respect to a portable hot tub, a lockable cover.

(4) **COMMISSION.**—The term "Commission" means the Consumer Product Safety Commission.

(5) **MAIN DRAIN.**—The term "main drain" means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(6) **ORNAMENTAL POOL.**—The term "ornamental pool" means a man-made structure designed to contain water such as a decorative fountain or reflecting pool in the ground, partially in the ground, or in a building, intended primarily for aesthetic value and not intended for swimming or wading.

(7) **SAFETY VACUUM RELEASE SYSTEM.**—The term "safety vacuum release system" means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(8) **UNBLOCKABLE DRAIN.**—The term "unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

(9) **SWIMMING POOL; SPA.**—The term "swimming pool" or "spa" means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

#### SEC. 8. CPSC REPORT.

Within 1 year after the close of each fiscal year for which grants are made under section 4, the Commission shall submit a report to the Congress evaluating the effectiveness of the grant program authorized by that section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

#### GENERAL LEAVE

Mr. RUSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fourth and final consumer protection bill on the floor today is H.R. 1721, the Virginia Graeme Baker Pool and Spa Safety Act, introduced by Congresswoman DEBBIE WASSERMAN SCHULTZ and Congressman FRANK WOLF.

H.R. 1721 requires pools and spa drains with specified anti-entrapment standards, establishes a CPSC-administered grant program to encourage the States to enact pool and spa safety reforms, and develops a national drowning prevention education program.

Given the numerous tragic and preventable deaths of young children who have drowned in swimming pools, fountains and spas as a result of faulty drains, this bill is overdue and worthy of passage under the suspension of the rules.

The bill is named after Virginia Graeme Baker, the beautiful little girl whose tragic death drove her mother, Nancy Baker, to tirelessly fight for this legislation.

As amended in the subcommittee, H.R. 1721 requires a specified barrier around residential pools and imposes security and safety requirements on the home, such as self-closing, self-latching doors in order to qualify for Federal funds. Moreover, the bill authorizes an annual appropriation of \$5 million over 5 years. At the subcommittee level, we chose this level of funding because of the simple reality that the Consumer Product Safety Commission has experienced with grant programs, and the Commission's overall budget currently is only \$67

million. As such, we want to ensure that this program is run effectively and does not overshadow the other worthy and equally important programs under the watch of the CPSC.

This is another bipartisan, carefully crafted bill, and is yet another example of the bipartisan cooperation we currently achieve in the Subcommittee on Commerce, Trade and Consumer Protection.

I want to commend the majority and minority staff for working together to produce thoughtful, quality pieces of legislation. And I want to thank my friend from Florida, the ranking member of this subcommittee, Mr. STEARNS, for his continued bipartisan cooperation.

This bill, along with the three previous bills we have just considered on the floor, is a good start, but there is more to be done to reform the Consumer Product Safety Commission and its underlying organic statute to protect American consumers.

The recent barrage of high-profile recalls of toys manufactured in China highlights the need for Congress to decisively act and strengthen our laws that protect our children from dangerous products. I am currently working on a reform package that will do just that.

I hope that my colleague, Mr. STEARNS, and I, along with Chairman DINGELL and Ranking Member BARTON, can continue our cooperative effort to produce a piece of legislation that we can proudly bring to the House floor with the same bipartisan support exemplified by the bills that we have on the floor today.

With that, I urge a resounding "yes" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, this bill, the Virginia Graeme Baker Pool and Spa Safety Act, as the chairman mentioned, simply aims to prevent tragic drowning and entrapment accidents that of course are entirely preventable with the addition of some simple equipment at a modest cost. I think we all agree. What we have here I believe is significantly different and significantly improved over what was initially referred to our committee. So, again, in a bipartisan fashion, I think we've improved the bill. So I commend the chairman for including some of the modifications that we suggested and some of the modifications that came from his staff.

My colleagues, this legislation has two distinct components: one, it adopts an industry standard on drain covers; and two, it establishes a grant program administered by the Commission designed to provide incentives to States to change their State laws regarding pool safety demands. These incentives, through these grants, the States will change their laws.

I fully support the intent of this measure, and I will, therefore, support the drain cover standard. I would like

to reiterate the concern I expressed during consideration of the bill earlier, that of turning voluntary industry standards into commission rules. Without repeating what I said earlier on one of the previous bills, I again simply caution my colleagues about the unintended precedents our actions today may put in place.

Further, I would like to express my reservation about the pool safety grant program and its effect on a States' rights to regulate property and safety within its own borders. This piece of Federal legislation mandates that States adopt specific safety standards and no other. Mr. Speaker, there are 38 States with pool safety laws on the books today. None of these States, my colleagues, including my home State of Florida and the State of California, probably the two States with the most swimming pools and the most stringent pool safety laws, will be eligible for the \$25 million in grant funds unless they change their existing laws, making this essentially a 12-State grant program.

The laws mandated by this legislation are overly prescriptive and may even weaken the safety laws of some States. Some of us may disagree on this, but that's what we could possibly consider. Holding Federal tax dollars over the heads of State lawmakers to urge them to change in their States their laws to a proscribed standard may not have any effect. We hope it does. If a State opts to change its laws, a change will unfortunately and indiscriminately raise the cost of compliance for all pool owners, regardless of whether they have children or not.

I noted that the Commission itself expressed concern about the grant program. The CPSC does not have experience in ministering any grant program, and Mr. Speaker, it's not staffed to do so.

Now, notwithstanding those concerns that I have just expressed, I voice my support for this bill today and for its author, DEBBIE WASSERMAN SCHULTZ, who did a very strong, persevering job on this. It came through committee when I was chairman and we tried to make changes. I appreciate her patience, and I look forward to supporting her, and I commend her for her perseverance.

We are going to support the bill because it will undoubtedly improve swimming pool safety by requiring that all drain covers sold in the United States be made in accordance with standards to prevent entrapment. This is very good. These horrific entrapment accidents are entirely preventable. It is my hope that this legislation will result in such prevention and avoidance.

Mr. Speaker, I reserve the balance of my time.

Mr. RUSH. Mr. Speaker, I am pleased to yield 5 minutes to the coauthor of this outstanding piece of legislation, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in support of H.R. 1721, the Virginia Graeme Baker Pool and

Spa Safety Act. I want to particularly thank Chairman BOBBY RUSH, the chairman of the Subcommittee on Commerce, Trade and Consumer Protection, and Chairman JOHN DINGELL of the Committee on Energy and Commerce, for their incredible leadership and support on this legislation.

Additionally, I would like to thank Ranking Member BARTON, Congressman WOLF and Congressman RAMSTAD for their steadfast support of this legislation, as well as Ranking Member STEARNS, my fellow Floridian. I also want to thank Safe Kids Worldwide for always being such a wonderful resource as this legislation became a reality.

On June 15, 2002, the beautiful Graeme Baker, whose picture is in front of me, attended a pool party with her entire family; her mother, Nancy, and her four sisters. Everyone was having a great time swimming, when all of a sudden one of Nancy's daughters came running to tell her that Graeme was in the spa. Nancy ran to the edge of the spa, and all she saw was dark and bubbling water. Her daughter, frantically crying and pointing into the tub, insisted that Graeme was there. Nancy jumped into the spa and saw Graeme with her eyes pinched closed, her hair and limbs moving, with the current of water from all the jets on the side. Graeme was entrapped by the powerful suction of the drain spa and could not free herself. Nancy pulled and pulled with all her strength to help her daughter. It eventually took the strength of two adults to free Graeme from the spa. Sadly, it was too late; Graeme passed away in the hospital that afternoon.

Following Graeme's death, Nancy and her father-in-law, former Secretary of State James Baker, became and still are tireless advocates for children's pool and spa safety.

When I met Nancy, I was immediately taken by her tragic story of the loss of her daughter. As a fellow mother of twins, I was most affected by Nancy's incredible desire to ensure that what happened to Graeme did not happen to any other child. She has channeled all of her energy into raising the issue of pool and spa safety to a national audience. Her passion is an inspiration to me, and I am proud to sponsor this legislation in her daughter's name.

The Baker family tragedy is a painful example of the need for national pool and spa safety legislation. We must implement national standards to replace the haphazard safety measures that allowed Graeme, and hundreds of children like her, to be lost in such nightmare scenarios.

I am a mother of three young children, and I have talked about them on the floor many times relating to various pieces of legislation. And as any mother of young children will tell you, supervision does lapse. Supervision, when children are around water, is imperative. But as a mom of twins, as a mom of a 4-year-old, I can tell you that

there are times when even the best parent, even the most vigilant parent lets a child slip out from under their view and they accidentally fall in the water. That has happened countless times.

Let me just tell you what most parents' view in a survey was of supervising their children around water. While 94 percent of people report that they always actively supervise their children while swimming, closer examination indicates that parents often participate in a variety of distracting behaviors. According to the American Academy of Pediatrics, one in five parents believes that a lifeguard is the main person responsible for supervising children in the water. Lifeguards are a key safety measure, but they supervise an average of 25 swimmers per lifeguard. They also report that 55 percent of parents thought there were circumstances in which it was okay for a child to swim without a buddy. Within this category, 31 percent said it was okay to leave a child unsupervised if he or she swam with a buddy; 29 percent thought it was okay if the child was an excellent swimmer; 23 percent thought it was okay if the child had several years of swimming lessons. I could stand here all day, and I would still not be able to adequately emphasize that parents must adequately supervise their children whenever they are in or near water.

□ 1630

But we all know that supervision lapses. That is what this bill is designed to do. It is designed to encourage States to adopt swimming pool safety laws to ensure that suction drain entrapment, which occurs when a child passes over a swimming pool drain that has suction so strong that it holds them to the drain under water and either entangles their hair or even disembowels the child, that we can prevent this. Drowning is the second leading cause of preventable death in children 1 to 14 years old in this entire country. And even cold-weather States have hundreds of drownings every single year.

We can stop this. We can encourage States through funding and through education programs to adopt swimming pool and spa safety laws. I urge the United States House of Representatives to adopt this legislation so that we can make sure that we end or dramatically reduce, at the very least, the likelihood of young children drowning needlessly in a swimming pool or spa.

Mr. STEARNS. Mr. Speaker, I recognize the gentleman from Minnesota (Mr. RAMSTAD) for 3 minutes.

Mr. RAMSTAD. I thank the ranking member for yielding.

Mr. Speaker, I rise today in strong support of H.R. 1721, the Virginia Graeme Baker Pool and Spa Safety Act. I would like to thank my colleague from Florida (Ms. WASSERMAN SCHULTZ) for her incredible efforts, her tireless leadership on this important legislation. But for her efforts, this leg-

islation wouldn't be on the floor before us today.

Mr. Speaker, this past July, a truly horrendous tragedy changed the life of my young constituent forever. Eight-year-old Abigail Taylor was swimming in a local club's swimming pool when she became entrapped by the pool's drain system. This brave young girl, and her family, fought with everything they had for her survival. She has now endured numerous surgeries and is faced with permanent disabilities that no child should ever have to suffer.

While it is too late to protect young Abigail Taylor from her cruel debilitating injuries, it is not too late to protect millions of other children who use swimming pools and spas. No child should ever be disemboweled by a swimming pool drain.

Mr. Speaker, Members, that is what we are talking about here. That is what happens to these children. They are disemboweled by the suction from these swimming pool drains.

This important legislation will establish a new consumer product safety standard, as has been explained previously by Mr. RUSH, whose leadership I also deeply appreciate, as well as Mr. STEARNS and Ms. WASSERMAN SCHULTZ. The standards will require each swimming pool or spa drain cover to conform to the entrapment protection standards of the American National Standards Institute and the American Society of Mechanical Engineers, obviously two organizations with direct expertise. And these are very reasonable, not onerous, standards, very reasonable standards for industry which will protect our children in swimming pools.

Mr. Speaker, let me just conclude by saying one drain entrapment is one too many. One precious little 8-year-old girl losing part of her small intestine is too much suffering to comprehend. Too much suffering to comprehend. It is time to take action to ensure our children are protected when children are sent to swimming pools by their parents or are there with their parents. Every parent should have a reasonable probability, a reasonable belief that their children will be safe in that pool. It is time to pass this critical legislation on behalf of Abigail Taylor and the millions of children who deserve to be safe in our pools. Let's pass this life-saving legislation without further delay.

Mr. RUSH. Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield 4 minutes to the gentleman from Texas, Dr. BURGESS, a member of the Subcommittee on Commerce, Trade, and Consumer Protection.

Mr. BURGESS. Mr. Speaker, I thank the gentleman for yielding. I thank our committee chairman for bringing this bill to the floor and all the people who have worked so hard on this legislation over the years.

Mr. Speaker, I am going to rise in support today of H.R. 1721, the Virginia

Graeme Baker Pool and Spa Safety Act. During the Commerce, Trade and Consumer Protection Subcommittee markup, it occurred to me because of some things that had happened back in my district that there was an additional danger that was not being addressed in the hearings we had leading up to this legislation. So during the subcommittee process, I introduced an amendment that was inspired by the tragic accident that occurred in an ornamental pool back in my district back in Fort Worth, Texas. In June of 2004, three children and one adult drowned at the Fort Worth Water Gardens: Myron Dukes, age 39; his daughter, Lauren, age 8; his son, Christopher, 13; and a family friend, Juanitrice Deadmon, age 11. On that tragic day, one child accidentally fell into the ornamental pool and the other three jumped in trying to save the child. Compounding the tragedy, the water was unusually deep due to a recirculating pump malfunction and recent heavy rains.

Mr. Speaker, let me quote to you and the House from the Fort Worth Star Telegram about that event. Fort Worth Star Telegram June 17, 2004:

"The victims were among the thousands of visitors attending the National Baptist Congress at the Fort Worth Convention Center.

"The pastor, Gerald Dew, said he was told that the children went to the Water Gardens to play because the swimming pool at the Fort Worth Plaza Hotel where they were staying was closed for maintenance.

"One of the children slipped, which started a chain reaction.

"Bike patrol officer Tony Maldonado, who was one of the first officers to arrive at the swimming pool, said he jumped in and the force 'literally sucked the socks off of my feet.'"

From the Fort Worth Star Telegram 2004.

While this tragedy happened in Fort Worth, the visitors were from Chicago and were constituents of my subcommittee chairman and friend, Congressman RUSH. I know that both of our cities, Fort Worth, Texas, and Chicago, Illinois, grieved about this loss.

Mr. Speaker, let me quote to you from an online report from the CBS affiliate in Chicago, Chicago.com, on the reopening of the Water Gardens last spring. This is from March 20, 2007: "The park of artistic pools and fountains closed following the June 2004 drownings of the four from Chicago, who were in Fort Worth for a religious convention. Since then, more than \$3 million in modifications to improve the park's safety have been made.

"The renovations from the past month don't take away from the mystique,' Mayor Michael Moncrief said during the ceremonies.

"Now, the depth of the Active Pool, where the drownings occurred, has been restricted to less than 2 feet. Other renovations include new pumps and pump system, switches, electrical

work, lights and additional handrails, as well as a larger and easier-to-clean drain system around the park's perimeter."

Mr. Speaker, as with many things in life, awareness and education can save lives. And this disaster, this disaster that happened in my district in Fort Worth, must not be repeated. More education regarding the unseen dangers hidden in ornamental pools is necessary.

Mr. Speaker, almost every single community in this country has an ornamental pool. We have quite a few here at the Capitol. While 36 States have pool safety programs, not all of these States have an ornamental pool safety program, and therefore they likely do not educate their constituency on the dangers that ornamental pools can represent. Ornamental pools often greatly enhance communities, but they can also pose a great threat to communities if the owners and operators are not educated as to the potential danger.

Through my amendment in this bill, there will be a wider public education campaign to alert consumers to the safety hazards associated and the requirements for proper maintenance of ornamental pools. The bill, which requires the use of proper anti-entrapment drain covers and drainage systems, establishes a swimming pool safety grant program to be administered by the Consumer Product Safety Commission.

This legislation also encourages States to strengthen pool and spa safety laws and increase public education and outreach to consumers. I believe the inclusions of ornamental pools in this bill is an important component of this legislation.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. WOLF. Mr. Speaker, I rise today in full support of H.R. 1721, the Pool and Spa Safety Act. It has been my pleasure to work with Congresswoman WASSERMAN SCHULTZ during the last two sessions of Congress to bring this legislation to the floor. I applaud Representative WASSERMAN SCHULTZ for her dedication and fully support the congressional efforts to protect our children from swimming pool accidents.

Every summer we hear the tragic stories of young children involved in harrowing pool accidents. Though pool season is winding down for the year we must push forward and enact legislation to protect our children in the summers to come.

It's tragic that over the last 20 years, we have lost at least 33 children under the age of 14 as a result of pool and spa entrapment. Entrapment occurs when part of a child's body becomes attached to a drain as a result of the powerful suction of a pool or spa's water circulation system. Death or serious injury can occur when the force of the suction overpowers the child's ability to disengage from the drain.

According to the Consumer Product Safety Commission, drowning is the leading cause of accidental injury-related death for children under 4 and the second leading cause of acci-

dental injury-related death of children under 14. However, these figures are very likely understated because law enforcement do not always note "entrapment" when reporting a drowning.

In the hundreds of tragic drowning cases across the country each year, simple pool safety precautions could help save these precious lives. But it's important to remember that this legislation is not a federal mandate. Instead, it will encourage states to adopt comprehensive pool safety precautions that will substantially reduce the dangers of accidental drowning, body part entrapment, and hair entanglement. It will also promote swimming pool and spa safety.

We can prevent these tragedies and save our children. I urge the support for the Pool and Spa Safety Act, H.R. 1721.

Mr. STEARNS. Mr. Speaker, I yield back the balance of my time.

Mr. RUSH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1721, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### PUBLIC DIPLOMACY RESOURCE CENTERS ACT OF 2007

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2553) to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about American culture, society, and history, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2553

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited at the "Public Diplomacy Resource Centers Act of 2007".

##### SEC. 2. UNITED STATES PUBLIC DIPLOMACY.

(a) ESTABLISHMENT AND MAINTENANCE OF LIBRARIES.—Section 1(b)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b)(3)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following new subparagraph:

"(F) provide for the establishment of new and the maintenance of existing libraries and resource centers at or in connection with United States diplomatic and consular missions."

(b) OPERATION OF LIBRARIES.—

(1) IN GENERAL.—The Secretary of State shall ensure that libraries and resource centers established and maintained in accordance with subparagraph (F) of section 1(b)(3) of the State Department Basic Authorities

Act of 1956 (as added by section 2(a)(3) of this Act) are open to the general public to the greatest extent practicable, subject to policies and procedures established by the Secretary to ensure the safety and security of United States diplomatic and consular missions and of United States officers, employees, and personnel posted at such missions at which such libraries are located.

(2) JOHNNY GRANT FILM SERIES.—The Secretary of State shall ensure that such libraries and resource centers schedule public showings of American films that showcase American culture, society, values, and history. Such public showings shall be known as the "Johnny Grant Film Series".

(c) RECEIPT OF DONATIONS.—The Secretary of State may accept donations that are made to the libraries and resource centers authorized under this Act if the Secretary determines that such receipt will not result in any cost to the Federal Government.

(d) ADVISORY COMMISSION ON PUBLIC DIPLOMACY.—The Advisory Commission on Public Diplomacy (authorized under section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553)) shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report containing and evaluation of the functions and effectiveness of the libraries and resource centers that are authorized under this Act.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Department of State to carry out purposes similar to those required under this Act, there are authorized to the Secretary of State such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Florida (Mr. BILIRAKIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

##### GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this bill, and I yield myself such time as I may consume.

First, I would like to thank Chairman LANTOS, as well as my friend Mr. BILIRAKIS as, I think, acting in place of the ranking member (Ms. ROSS-LEHTINEN) for helping me to move this bill to the floor.

I am proud to be the author of H.R. 2553, the Public Diplomacy Resource Centers Act of 2007. This bill is designed to provide our diplomats abroad with additional tools to show the world the best of American society. In the 110th Congress, the Committee on Foreign Affairs is working to help redeem the status and prestige that the United States has lost around the world in recent years.

While U.S. foreign policy clearly is a key factor in how we are viewed